

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:05-cv-254**

<b>BETTY A. MOORE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>WYETH, INC., et al.,</b>	)	<b>ORDER</b>
	)	
<b>Defendants.</b>	)	
	)	

**THIS MATTER** is before the Court *sua sponte* to ascertain subject matter jurisdiction. In the Complaint in the matter, the Plaintiff named as a party defendant Pharmacia & Upjohn Company. Later, in a motion for extension of time, Pharmacia & Upjohn Company, L.L.C. requested a motion for extension of time and stated that that company had been incorrectly named in the Complaint as “Pharmacia & Upjohn Company” (#4). In the Complaint, Plaintiff alleges that the Defendant Pharmacia & Upjohn Company is a Delaware corporation having its principal place of business in the state of New Jersey (#1, ¶ 5)

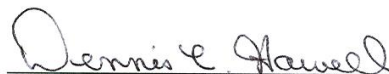
Courts have an affirmative duty to question subject matter jurisdiction even when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4<sup>th</sup> Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997),

*certiorari denied* 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28 U.S.C. §1447(c) (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”). A limited liability company is a citizen of all states in which its constituent members are citizens. Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990).

### **ORDER**

**IT IS, THEREFORE, ORDERED** that on or before April 1, 2013, the Defendant Pharmacia & Upjohn Company, L.L.C. shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of the above referenced LLC and for any such constituent members or partner that are limited liability companys or partnerships to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: March 12, 2013



Dennis L. Howell  
United States Magistrate Judge

